

AMENDED IN ASSEMBLY APRIL 1, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 938**

**Introduced by Assembly Member Yee**

February 20, 2003

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An act to add Sections ~~2435.2, 2987.2~~, 2987.2, 4549, 4984.75, and 4996.65 to the Business and Professions Code, and to add Article 4 (commencing with Section 128454) to Chapter 5 of Part 3 of Division 104 of the Health and Safety Code, relating to health professions.

LEGISLATIVE COUNSEL'S DIGEST

AB 938, as amended, Yee. Mental health professions: scholarships and loans: funding.

*Existing law requires the Office of Statewide Health Planning and Development to establish a nonprofit public benefit corporation known as the Health Professions Education Foundation to perform various duties with respect to implementing health professions scholarship and loan programs.*

*Existing law provides for the Registered Nurse Education Program within the foundation under which persons who agree in writing prior to graduation to serve in an eligible county health facility, an eligible state-operated health facility, or a health manpower shortage area are eligible for scholarship and loan repayment. Existing law establishes in the State Treasury the Registered Nurse Education Fund and provides for the appropriation of money in the fund annually in the Budget Act for purposes of the Registered Nurse Education Program.*

*This bill would similarly establish the Licensed Mental Health Provider Education Program. The bill would require the foundation to*

*develop the program, as prescribed, to provide scholarships and loans to licensed mental health providers, as defined, who agree to serve in an eligible county health facility or a health manpower shortage area that is multicultural and linguistically diverse. The bill would establish in the State Treasury the Mental Health Practitioner Education Fund and moneys in the fund, upon appropriation by the Legislature, would be available for expenditure by the office for purposes of the program.*

Existing law provides for the licensure and regulation of ~~child psychiatrists by the Medical Board of California~~ *psychiatric technicians by the Board of Vocational Nurses and Psychiatric Technicians*, psychologists by the Board of Psychology, and marriage and family therapists and licensed clinical social workers by the Board of Behavioral Sciences. Existing law requires these regulatory boards to charge license renewal fees.

This bill would require these boards to charge these licensees, at the time of license renewal, an additional \$5 *unspecified* assessment fee. The bill would require the boards to transfer the fee amounts to the Controller for deposit in the Mental Health Practitioner Education Fund established under the bill. *Moneys in the fund would be used, upon appropriation by the Legislature, for the Licensed Mental Health Provider Education Program.* This bill would impose a state tax within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of  $\frac{2}{3}$  of the membership of each house of the Legislature.

~~Existing law requires the Office of Statewide Health Planning and Development to establish a nonprofit public benefit corporation known as the Health Professions Education Foundation to perform various duties with respect to implementing health professions scholarship and loan programs.~~

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Vote: <sup>2</sup>/<sub>3</sub>. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) An adequate supply of licensed mental health service  
4 providers is critical to ensuring the health and well-being of the  
5 citizens of California, particularly those who live in multicultural,  
6 linguistically diverse, and medically underserved areas.

7 ~~(b) There is a shortage of licensed mental health service~~  
8 ~~providers, such as child psychiatrists, psychologists, marriage and~~  
9 ~~family therapists, and licensed clinical social workers, who are~~  
10 ~~able to provide quality mental health services to multicultural,~~  
11 ~~linguistically diverse, underserved populations by overcoming~~  
12 ~~language barriers, and understanding and being sensitive to~~  
13 ~~cultural differences and perceptions.~~

14 ~~(c) In mental health care and other professions, certain~~  
15 ~~populations are underrepresented, and in this regard, it is~~  
16 ~~especially important that mental health care be provided in a way~~  
17 ~~that it sensitive to the sociocultural variables that affect a person's~~  
18 ~~health.~~

19 ~~(d) The financial burden of obtaining a baccalaureate degree is~~  
20 ~~considerable and students from families that lack adequate~~  
21 ~~financial resources may need financial assistance to complete a~~  
22 ~~baccalaureate degree.~~

23 ~~(e) Approximately 54.1 percent of all Californians live in rural~~  
24 ~~and urban areas that have been designated underserved, many of~~  
25 ~~these areas are also multicultural and linguistically diverse, and the~~  
26 ~~shortage of licensed mental health service providers makes it more~~  
27 ~~difficult for those citizens to obtain necessary mental health~~  
28 ~~services in a timely manner.~~

~~SEC. 2. Section 2435.2 is added to the Business and Professions Code, to read:~~

~~2435.2. In addition to the fees charged pursuant to Section 2435 for the biennial renewal of a physician and surgeon certificate, the board shall charge each licensee who is a child psychiatrist an additional five dollar (\$5) assessment at the time of renewal. The board shall transfer this amount to the Controller who shall deposit the funds in the Mental Health Practitioner Education Fund.~~

~~SEC. 3.—~~

*(b) The California Mental Health Planning Council has identified the shortage of human resources at all levels as one of the most urgent issues facing the mental health system. The shortage is most acute for child psychiatrists, licensed clinical social workers, and especially for multilingual and multicultural staff in all mental health occupations.*

*(c) In an effort to address the crisis facing the mental health system, the California Mental Health Planning Council developed the Human Resources Project that is directed by its Human Resources Committee. Beginning in 2001, the project convened focus groups targeting social workers from three of the most prevalent ethnic communities: Latino, Asian/Pacific Islander, and African-American. The focus groups were conducted in collaboration with the California Institute for Mental Health and funded by the State Department of Mental Health and the Zellerbach Family Fund.*

*(d) The Human Resources Project's September 2002 report entitled "Human Resources Pilot Ethnic Focus Group Project: Summary of Recommendations" found that financial barriers to practice was the primary reason cited by the participants. All participant groups indicated that they had encountered serious difficulty in meeting the expenses of graduate school while struggling with living and child care expenses. All groups advocated for additional forms of financial assistance, like the loan forgiveness programs currently available to doctors and nurses.*

~~SEC. 2. Section 2987.2 is added to the Business and Professions Code, to read:~~

~~2987.2. In addition to the fees charged pursuant to Section 2987 for the biennial renewal of a license, the board shall collect~~

1 an additional ~~five dollar (\$5) assessment~~ fee of \_\_\_\_ dollars  
2 (\$\_\_\_\_) at the time of renewal. The board shall transfer this  
3 amount to the Controller who shall deposit the funds in the Mental  
4 Health Practitioner Education Fund.

5 SEC. 3. Section 4549 is added to the Business and Professions  
6 Code, to read:

7 4549. In addition to the fees charged pursuant to Section 4548  
8 for the biennial renewal of a license pursuant to Section 4510, the  
9 board shall assess and collect an additional fee of \_\_\_\_ dollars  
10 (\$\_\_\_\_) for the renewal of a license of a psychiatric technician.  
11 The board shall transfer this amount to the Controller who shall  
12 deposit the funds in the Mental Health Practitioner Education  
13 Fund.

14 SEC. 4. Section 4984.75 is added to the Business and  
15 Professions Code, to read:

16 4984.75. In addition to the fees charged pursuant to Section  
17 4984.7 for the biennial renewal of a license pursuant to Section  
18 4984, the board shall collect an additional ~~five dollar (\$5)~~  
19 ~~assessment~~ fee of \_\_\_\_ dollars (\$\_\_\_\_) at the time of renewal. The  
20 board shall transfer this amount to the Controller who shall deposit  
21 the funds in the Mental Health Practitioner Education Fund.

22 SEC. 5. Section 4996.65 is added to the Business and  
23 Professions Code, to read:

24 4996.65. In addition to the fees charged pursuant to Section  
25 4996.6 for the biennial renewal of a license, the board shall collect  
26 an additional ~~five dollar (\$5) assessment~~ fee of \_\_\_\_ dollars  
27 (\$\_\_\_\_) at the time of renewal. The board shall transfer this  
28 amount to the Controller who shall deposit the funds in the Mental  
29 Health Practitioner Education Fund.

30 SEC. 6. Article 4 (commencing with Section 128454) is  
31 added to Chapter 5 of Part 3 of Division 104 of the Health and  
32 Safety Code, to read:

33  
34 Article 4. Licensed Mental Health Service Provider Education  
35 Program  
36

37 128454. (a) There is hereby created the Licensed Mental  
38 Health Service Provider Education Program within the Health  
39 Professions Education Foundation.

(b) For purposes of this article, “licensed mental health service provider” means a ~~child-psychiatrist~~ *psychiatric technician*, psychologist, marriage and family therapist, and licensed clinical social worker.

(c) Persons participating in this program shall be persons who agree in writing prior to graduation to serve in an eligible county health facility or a health manpower shortage area that is multicultural and linguistically diverse, as designated by the director. Persons agreeing to serve in eligible county health facilities or health manpower shortage areas may apply for scholarship or loan repayment. The Licensed Mental Health Service Provider Education Program shall be administered so that all funds in the Licensed Mental Health Service Provider Education Fund shall be used only for the purpose of promoting the education of licensed mental health service providers and related administrative costs. The Health Professions Education Foundation shall make recommendations to the director of the office concerning both of the following:

(1) A standard contractual agreement to be signed by the director and any student who has received an award to work in an eligible county health facility or in a health manpower shortage area that would require a period of obligated professional service in the areas of California designated by the Health Manpower Policy Commission as deficient in mental health care services. The obligated professional service shall be in direct patient care. The agreement shall include a clause entitling the state to recover the funds awarded plus the maximum allowable interest for failure to begin or complete the service obligation.

(2) Maximum allowable amounts for scholarships, educational loans, and loan repayment programs in order to assure the most effective use of these funds.

(d) Applicants may be persons who are licensed mental health service providers or graduates of advanced degree programs specializing in mental health services.

128458. (a) In developing the program established pursuant to this article, the Health Professions Education Foundation shall solicit the advice of representatives of the Board of Behavioral Science Examiners, the Board of Psychology, the ~~Medical Board of California~~ *Board of Vocational Nurses and Psychiatric Technicians*, professional mental health care organizations, the

1 California Healthcare Association, the Chancellor of the  
2 California Community Colleges, and the Chancellor of the  
3 California State University. The foundation shall solicit the advice  
4 of representatives who reflect the demographic, cultural, and  
5 linguistic diversity of the state.

6 (b) The program shall include, but not be limited to, the  
7 following components:

8 (1) A graduated loan forgiveness system in which a percentage  
9 amount of any loan granted pursuant to this article may be forgiven  
10 and in which the amount forgiven increases with the number of  
11 years that a person commits to and works in the designated areas.

12 (2) *The loan forgiveness system shall keep the fees from the*  
13 *different licensing boards separate to ensure that all loans forgiven*  
14 *are funded by those fees collected by the specific board under*  
15 *which the qualified applicant is licensed.*

16 (3) The number of persons who may be considered for the  
17 program shall be limited by the funds made available pursuant to  
18 Section 128460.

19 128460. There is hereby established in the State Treasury the  
20 Mental Health Practitioner Education Fund. The moneys in the  
21 fund, upon appropriation by the Legislature, shall be available for  
22 expenditure by the office for purposes of this article.

